

AMENDED IN SENATE JULY 15, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 327**

**Introduced by Assembly Member Runner**

February 7, 2003

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An act to amend Sections ~~4461~~ 22511.55, 22511.59, and 42001.5 of, and to add ~~Section 42001.7~~ Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 327, as amended, Runner. Vehicles: parking: persons with disabilities: violations.

Existing law imposes certain fines and other penalties for violating certain provisions relating to parking privileges for persons with disabilities.

This bill would ~~increase the minimum fine for those violations to \$500~~ authorize a city or county to assess an additional penalty of \$100 for violating those provisions for use to offset only the cost of establishing a disabled parking enforcement program.

*This bill would require the Department of Motor Vehicles to print on a distinguishing placard or temporary distinguishing placard issued to a disabled person or veteran after January 1, 2005, the amount of the fines, including assessments, as specified, for a violating of certain provisions relating to parking privileges for persons with disabilities.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Section 4461 of the Vehicle Code is amended to~~  
2     *SECTION 1. It is the intent of the Legislature that the*  
3     *Department of Motor Vehicles print the amount of a fine for a*  
4     *violation of Section 4461 of the Vehicle Code on the application for*  
5     *a distinguishing placard or license plate issued to a disabled*  
6     *person or veteran. The amount of the fine shall include any*  
7     *assessments authorized under Sections 70372 and 76000 of the*  
8     *Government Code, Sections 1464 and 1465.7 of the Penal Code,*  
9     *and Section 4461.3 of the Vehicle Code when determining the cost*  
10    *of a violation. read:*

11    ~~4461.—(a) No person may lend any certificate of ownership,~~  
12    ~~registration card, license plate, special plate, validation tab, or~~  
13    ~~permit issued to him or her if the person desiring to borrow it~~  
14    ~~would not be entitled to its use, nor may any person knowingly~~  
15    ~~permit its use by one not entitled to it.~~

16    ~~(b) No person to whom a disabled person placard has been~~  
17    ~~issued may lend the placard to any other person, nor may any~~  
18    ~~disabled person knowingly permit the use for parking purposes of~~  
19    ~~the placard or identification license plate issued pursuant to~~  
20    ~~Section 5007 by one not entitled to it. A person to whom a disabled~~  
21    ~~person placard has been issued may permit another person to use~~  
22    ~~the placard only while in the presence or reasonable proximity of~~  
23    ~~the disabled person for the purpose of transporting the disabled~~  
24    ~~person. A violation of this subdivision is a misdemeanor,~~  
25    ~~punishable by a fine of not less than five hundred dollars (\$500)~~  
26    ~~nor more than one thousand dollars (\$1,000), or by imprisonment~~  
27    ~~in the county jail for not more than six months, or by both that fine~~  
28    ~~and imprisonment.~~

29    ~~(c) Except for the purpose of transporting disabled persons as~~  
30    ~~specified in subdivision (b), no person may display any disabled~~  
31    ~~person placard that was not issued to him or her or that has been~~  
32    ~~canceled or revoked pursuant to Section 22511.6. A violation of~~  
33    ~~this subdivision is a misdemeanor, punishable by a fine of not less~~  
34    ~~than five hundred dollars (\$500) nor more than one thousand~~  
35    ~~dollars (\$1,000), or by imprisonment in the county jail for not~~  
36    ~~more than six months, or by both that fine and imprisonment.~~

37    ~~(d) Notwithstanding subdivisions (a), (b), and (c), no person~~  
38    ~~using a vehicle displaying a special identification license plate~~

~~issued to another pursuant to Section 5007 may park in those parking stalls or spaces designated for disabled persons pursuant to Section 22511.7 or 22511.8, unless transporting a disabled person. A violation of this subdivision is a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than six months, or by both that fine and imprisonment.~~

~~(e) For the purposes of subdivisions (b) and (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.~~

SEC. 2. *Section 4461.3 is added to the Vehicle Code, to read:*  
 4461.3. *In addition to any fine imposed for conviction of a violation of Section 4461 or 42001.13, a city or county may assess an additional penalty of \$100, which shall be used specifically for the purpose of improving enforcement of disabled parking spaces and placards. The fee shall be levied and collected by the local entity that assesses the fine. Revenue generated from this fee may not supplant funds used for other general parking enforcement purposes, but may be used to offset the cost of establishing a disabled parking enforcement program.*

SEC. 3. *Section 22511.55 of the Vehicle Code is amended to read:*

22511.55. (a) (1) Any disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special identification license plate or plates issued under Section 5007 for parking purposes described in Section 22511.5 when suspended from the rear view mirror or, if there is no rear view mirror, when displayed on the dashboard of a vehicle. It is the intent of the Legislature to encourage the use of these distinguishing placards because they provide law enforcement officers with a more readily recognizable symbol for distinguishing vehicles qualified for the parking privilege. The placard shall be the size, shape, and color determined by the department and shall bear the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641, commonly known as the “wheelchair symbol.” The department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful use of a placard, into the identification card issued to the placard owner.

(2) (A) The department may establish procedures for the issuance and renewal of the placards. The placards shall have a fixed expiration date of June 30 every two years. A portion of the placard shall be printed in a contrasting color that shall be changed every two years. The size and color of this contrasting portion of the placard shall be large and distinctive enough to be readily identifiable by a law enforcement officer in a passing vehicle.

(B) As used in this section, “year” means the period between the inclusive dates of July 1 through June 30.

(C) Prior to the end of each year, the department shall, for the most current three years available, compare its record of disability placards issued against the records of the Bureau of Vital Statistics of the State Department of Health Services, or its successor, and withhold any renewal notices that otherwise would have been sent, for any placard holders identified as deceased.

(3) Except as provided in paragraph (4), no person is eligible for more than one placard at any time.

(4) Organizations and agencies involved in the transportation of disabled persons or disabled veterans may apply for a placard for each vehicle used for the purpose of transporting disabled persons or disabled veterans.

(b) (1) Prior to issuing any disabled person or disabled veteran an original distinguishing placard, the department shall require the submission of a certificate, in accordance with paragraph (2), signed by the physician or surgeon substantiating the disability, unless the applicant’s disability is readily observable and uncontested. The disability of any person who has lost, or has lost use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, may also be certified by a licensed chiropractor. The blindness of any applicant shall be certified by a licensed physician or surgeon who specializes in diseases of the eye or a licensed optometrist. The physician or person certifying the qualifying disability shall provide a full description of the illness or disability on the form submitted to the department.

(2) The physician or other person who signs a certificate submitted under this subdivision shall retain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

1 (3) The department shall maintain in its records all information  
2 on an applicant's certification of permanent disability and shall  
3 make that information available to eligible law enforcement or  
4 parking control agencies upon a request pursuant to Section  
5 22511.58.

6 (c) Any person who has been issued a distinguishing placard  
7 pursuant to subdivision (a) may apply to the department for a  
8 substitute placard without recertification of eligibility, if that  
9 placard has been lost or stolen.

10 (d) The distinguishing placard shall be returned to the  
11 department not later than 60 days after the death of the disabled  
12 person or disabled veteran to whom the placard was issued.

13 (e) *The department shall print the amount of a fine for a*  
14 *violation of Section 4461 on a distinguishing placard issued on or*  
15 *after January 1, 2005. The department shall include any*  
16 *assessments authorized under Sections 70372 and 76000 of the*  
17 *Government Code, Sections 1464 and 1465.7 of the Penal Code,*  
18 *and Section 4461.3 of the Vehicle Code when determining the*  
19 *amount of a fine for a violation.*

20 SEC. 4. Section 22511.59 of the Vehicle Code is amended to  
21 read:

22 22511.59. (a) Upon receipt of the applications and  
23 documents required by subdivisions (b), (c), or (d), the department  
24 shall issue a temporary distinguishing placard bearing the  
25 International Symbol of Access adopted pursuant to Section 3 of  
26 Public Law 100-641 commonly known as the "wheelchair  
27 symbol." During the period for which it is valid, the temporary  
28 distinguishing placard may be used for the parking purposes  
29 described in Section 22511.5 in the same manner as a  
30 distinguishing placard issued pursuant to Section 22511.55.

31 (b) (1) Any person who is temporarily disabled for a period of  
32 not more than six months may apply to the department for the  
33 issuance of the temporary distinguishing placard described in  
34 subdivision (a).

35 (2) Prior to issuing a placard pursuant to this subdivision, the  
36 department shall require the submission of a certificate signed by  
37 a physician or surgeon, as described in subdivision (b) of Section  
38 22511.55, substantiating the temporary disability and stating the  
39 date upon which the disability is expected to terminate.

(3) The physician or other person who signs a certificate submitted under this subdivision shall maintain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

(4) A placard issued pursuant to this subdivision shall expire not later than 180 days from the date of issuance or upon the expected termination date of the disability, as stated on the certificate required by paragraph (2), whichever is less.

(5) The fee for a temporary placard issued pursuant to this subdivision shall be six dollars (\$6).

(c) (1) Any disabled person or disabled veteran who is not a resident of this state and plans to travel within the state may apply to the department for the issuance of the temporary distinguishing placard described in subdivision (a).

(2) Prior to issuing a placard pursuant to this subdivision, the department shall require certification of the disability, as described in subdivision (b) of Section 22511.55.

(3) The physician or other person who signs a certificate submitted under this subdivision shall maintain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

(4) A placard issued pursuant to this subdivision shall expire not later than 90 days from the date of issuance.

(d) (1) Any disabled person or disabled veteran who has been issued either a distinguishing placard pursuant to Section 22511.55 or special identification license plates pursuant to Section 5007, but not both, may apply to the department for the issuance of the temporary distinguishing placard for the purpose of travel described in subdivision (a).

(2) Prior to issuing a placard pursuant to this subdivision, the department shall require the applicant to submit either the number identifying the distinguishing placard issued pursuant to Section 22511.55 or the number on the special identification license plates.

(3) A placard issued pursuant to this subdivision shall expire not later than 30 days from the date of issuance.

*(e) The department shall print the amount of a fine for a violation of Section 4461 on a temporary distinguishing placard issued on or after January 1, 2005. The department shall include*

1 *any assessments authorized under Sections 70372 and 76000 of*  
2 *the Government Code, Sections 1464 and 1465.7 of the Penal*  
3 *Code, and Section 4461.3 of the Vehicle Code when determining*  
4 *the amount of a fine for a violation.*

5 SEC. 5. Section 42001.5 of the Vehicle Code is amended to  
6 read:

7 42001.5. (a) A person convicted of an infraction for a  
8 violation of subdivision (i) or (l) of Section 22500, or of Section  
9 22522, shall be punished by a fine of not less than two hundred  
10 fifty dollars (\$250).

11 (b) No part of any fine imposed under this section may be  
12 suspended, except the court may suspend that portion of the fine  
13 above one hundred dollars (\$100) .

14 (c) A fine imposed under this section may be paid in  
15 installments if the court determines that the defendant is unable to  
16 pay the entire amount in one payment.

17 ~~SEC. 3. Section 42001.7~~

18 SEC. 6. Section 42001.13 is added to the Vehicle Code, to  
19 read:

20 ~~42001.7.—~~

21 42001.13. (a) A person convicted of an infraction for a  
22 violation of Section 22507.8 shall be punished by a fine of not less  
23 than ~~five hundred dollars (\$500)~~ *two hundred fifty dollars (\$250)*.

24 (b) The court may suspend the imposition of the fine if the  
25 person convicted possessed at the time of the offense, but failed to  
26 display, a valid distinguishing license plate or placard issued  
27 pursuant to Section 22511.5, a valid special identification license  
28 plate issued pursuant to Section 5007, or a distinguishing placard  
29 issued pursuant to Section 22511.55 or 22511.59.

30 (c) A fine imposed under this section may be paid in  
31 installments if the court determines that the defendant is unable to  
32 pay the entire amount in one payment.